

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

Plaintiff,

v.

MCGEFFEN, *et al.*,

Defendants.

Case No. 2:22-cv-01524-DAD-JDP (PC)

ORDER THAT PLAINTIFF SHOW CAUSE
WHY HIS APPLICATION TO PROCEED
IN FORMA PAUPERIS SHOULD NOT BE
DENIED AND HE BE DIRECTED TO PAY
THE ENTIRE FILING FEE

ECF No. 2

Plaintiff, a state prisoner, brings this section 1983 action and, concurrently, has applied to proceed *in forma pauperis*, ECF No. 2. I have reviewed his prison trust fund account statement and it appears that he has sufficient funds to cover the filing fee. His account statement indicates that he has an available balance of \$4,656, an amount that is sufficient to cover the \$402 filing fee. But before recommending that plaintiff's application be denied, I will give him an opportunity to respond to this order and to explain why he cannot pay the filing fee and still afford his necessities. *See Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015) ("An affidavit in support of an IFP application is sufficient where it alleges that the affiant cannot pay


1 the court costs and still afford the necessities of life.”).

2 Accordingly, it is ORDERED that:

3 Within twenty-one days of this order’s entry, plaintiff may respond to this order and
4 explain why he should still be allowed to proceed *in forma pauperis*. If he fails to do so, I will
5 recommend that plaintiff’s application be denied and that he be directed to pay the full filing fee.

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7 IT IS SO ORDERED.

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9 Dated: November 3, 2022


10 JEREMY D. PETERSON
11 UNITED STATES MAGISTRATE JUDGE
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